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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,264	03/05/2001	Carl H. Poppe	RHE1P004	3769

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,264

Applicant(s)

POPPE, CARL H.

Examiner

David E. Bochna

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The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-17, 23, 25, 28, 29 and 35 is/are rejected.
- 7) ☒ Claim(s) 6-10, 18-22, 24, 26, 27 and 30-34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2. | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 1-36 are objected to because of the following informalities:

Claims 1-36, it is unclear what is meant by the term "RAM"

Claim 3 and 13, the phrase "and formed increase the contact area" contains a grammatical error.

Claim 11, line 8, the phrase "a RAM device a having proximal" contains a grammatical error.

Claim 29 is missing a period.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 11-17, 25, 28-29 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnston et al.

In regard to claims 1, 11 and 28, Johnston et al. discloses a fluid fitting assembly for a fluid-tight coupling of a plurality of tube members, each having a conduit, to a connector member as a unit, the connector member having a plurality of receiving ports each defined by an interior sealing wall and formed for sliding receipt of a distal end of a corresponding tube

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member therein, the connector member further defining a plurality of passages each extending therethrough and terminating in a corresponding receiving port, the fitting assembly comprising:

a RAM device 40 having a proximal surface and an opposite distal surface facing toward the connector member, and having a plurality of alignment passages 42 extending from the proximal face to the distal face for sliding receipt of a respective tube member therethrough; and

a plurality of ferrule devices 66, 64 each having a proximal tube engaging portion 66, an opposite distal sealing portion 64 and a tube receiving passage extending from the tube engaging portion to the sealing portion and formed for receipt of a respective tube member therethrough, each of the tube engaging portion being formed and dimensioned to contact a respective alignment wall 62 of the RAM device and each of the sealing portion of the ferrule device being formed and dimensioned to contact a respective sealing wall 60 of the connector member such that when a compression force is increasingly applied to the RAM device in the direction toward the connector member, the respective alignment walls of the RAM device contact the tube engaging portions of the ferrule devices in a manner increasingly radially gripping the corresponding tube members for movement of the ferrule devices and the RAM device, as a unit, toward the connector member to increasingly urge the ferrule device sealing portions into fluid sealing engagement with the connector member sealing wall and to fluidly couple the tube member conduits to the corresponding connector member passages.

In regard to claims 2 and 12, a spanner nut 46 defining an access port for receipt of the tube member therethrough, adapted to engage the RAM device to exert the compression force.

In regard to claims 3, 13 and 29, the sealing portion of the ferrule device 64 includes a

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sealing surface tapering inwardly toward the distal end thereof, and formed to increase the contact area with the connector member sealing wall as the compression force is increasingly applied.

In regard to claim 5, the tube engaging portion of the ferrule device includes an interior gripping surface (interior of 64) defining at least a portion of the tube receiving passage proximate the tube engaging portion, the interior gripping surface increasingly circumferentially gripping the tube member as the compression force is increasingly applied.

In regard to claim 14, each sealing portion 64 of the ferrule device is conical-shaped.

In regard to claim 15, each ferrule device (shoulder on 66) includes a distal shoulder portion adapted to contact a proximal face of the connector member 30 to limit insertion of the ferrule device sealing portion into the connector member receiving port.

In regard to claim 16, each distal shoulder portion (shoulder on 66) extends circumferentially around the respective ferrule device.

In regard to claim 17, each tube engaging portion 66 of the respective ferrule device includes an interior gripping surface defining at least a portion of the tube receiving passage proximate the tube engaging portion, the interior gripping surface increasingly circumferentially gripping the respective tube member as the compression force is increasingly applied (bottom of 66, which fits into 64, is tapered and tightens on the pipe under compression).

In regard to claims 25 and 35, an annular under-shoulder of the spanner nut slideably contacts an annular contact shoulder 52 of the RAM device 40 to exert the compression force.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston et al. in view of Kreidel et al.

Johnston et al. discloses a fitting assembly as described above and also discloses the tube receiving passage of the ferrule is defined by a substantially cylindrical interior wall, but does not disclose a retention collar extending inwardly from the interior wall, and positioned proximate to the distal end of the sealing portion. Kreidel et al. teaches providing a retention collar 1 with a retention collar 3 in order to better grip and retain the pipe 6 upon assembly. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a retention collar, as taught by Kreidel et al., in order to better retain the pipe within the fitting upon assembly.

Allowable Subject Matter

6. Claims 6-10, 18-22, 24, 36-27, 30-34 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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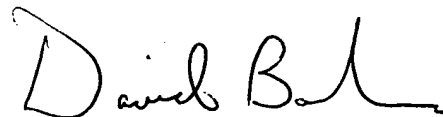
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Behrens et al., Gonzales, Wolf et al., Crawford et al., Normark, Moreiras et al., Franck, Begelow and West all disclose similar fitting assemblies common in the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



David Bochna
Primary Examiner
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February 18, 2004